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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,314	07/30/2001	Kota Yoshikawa	010935	8261

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ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON, DC 20006

EXAMINER

GARRETT, DAWN L

ART UNIT PAPER NUMBER

1774

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/916,314

Applicant(s)

YOSHIKAWA, KOTA

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 and 9-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 20 is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the response dated November 30, 2004. Claims 2 and 4-20 are present in the application. Claims 4-6 and 9-19 are withdrawn as non-elected. Claims 2 and 20 are allowed for the reasons set forth in the previous Office action. Claims 7 and 8 are currently under consideration.

2. Claims 7 and 8 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Kita et al. (US 6,656,608). Kita et al. discloses organic EL devices, which comprise an anode, light emission layer (organic EL layer) and a cathode (see col. 53, lines 33-59). The device may further include a buffer layer placed between the anode and the light emission layer (see col. 53, lines 64-67). The anode buffer layer may be comprised of vanadium oxide (see col. 54, lines 7-9). The vanadium oxide buffer layer is deemed to read upon the instant buffer layer that has "at least one type of metal...consisting of...V". Furthermore, because the entire buffer layer taught by Kita et al. is oxidized, the Kita et al. buffer layer reads upon "a surface of which is oxidized". Kita et al. further teaches the cathode may comprise sodium, potassium, magnesium, or lithium per the instant claim 8 requirement of a cathode comprising "any one of an alkaline metal and alkaline earth metal". Although Kita et al. fails to exemplify a device comprising a vanadium oxide anode buffer layer along with a cathode comprised of an alkaline metal or alkaline earth metal, it would have been obvious to one of ordinary skill in the art at the time of the invention to have selected a vanadium oxide anode buffer layer and an alkaline metal or alkaline earth metal containing cathode for the device, because Kita et al. teaches both a vanadium oxide anode

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buffer layer and an alkaline metal or alkaline earth metal containing cathode may be included in the device.

Response to Arguments

3. Applicant's arguments filed November 30, 2004 have been fully considered but they are not persuasive.

Claim 7 sets forth "a buffer layer which is formed of at least one type metal selected from a group consisting of Ru, Mo, and V on said anode and a surface of which is oxidized".

Applicant describes the anode buffer layer in the response as a metal layer with an oxidized surface. The examiner submits the claims are not limited to a two-layered buffer layer with a portion comprising solely metal and a portion that is an oxide as described by applicant. The examiner maintains the Kita et al. (US 6,656,608) disclosure of a vanadium oxide layer meets the claim limitation requiring a layer formed of a metal and a surface that is oxidized. Claim 7 does not exclude the entire buffer layer from being oxidized. The claim requires at least one surface of the layer be comprised of oxidized metal. The Kita et al. teaching of the entire buffer layer as oxidized meets the limitations of the claim 7 layer. The examiner maintains Kita et al. teaches all layers of an EL device as required by claims 7 and 8.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after


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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
February 22, 2005